



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT

: Robert L. Diaz

INVENTION:

: DISK ARTHROPLASTY INSTRUMENTATION
AND IMPLANTS

SERIAL NUMBER

: 10/769,743

FILING DATE

: January 23, 2004

GROUP ART UNIT

: 3732

ATTORNEY DOCKET NO.

: 2385.005

PETITION TO MAKE SPECIAL BECAUSE OF APPLICANT'S AGE
(37 C.F.R. §1.102(c) AND MPEP §708.02 IV)

CERTIFICATE UNDER 37 CFR 1.8(a)
I hereby certify that this correspondence is being
deposited with the U.S. Postal Service as First Class mail
in an envelope addressed to Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450 on 10/17/05
Cathy [Signature]

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby respectfully petitions to make this application special because
Applicant, Robert L. Diaz, is at least 64 years of age.

As a showing of this fact, accompanying this petition is an Affidavit by the Applicant
averring to the statement of age.

No fee is required with this petition in accordance with 37 C.F.R. §1.102(c).

Date: 9/30/05

Respectfully Submitted,

[Signature]
Michael A. Slavin

Reg. No. 34,016

McHale & Slavin, P.A.

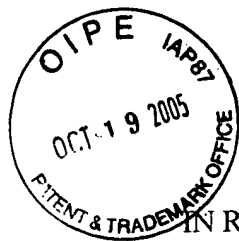
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AFFIDAVIT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Robert Diaz swear and attest that I am a co-inventor of the invention described in U.S. Patent Application Serial Number 10/769,743, entitled DISK ARTHROPLASTY INSTRUMENTATION AND IMPLANTS, filed on January 23, 2004, and that I am over the age of sixty-four (64).

I am submitting this affidavit in order that the patent application may be made special by the Commissioner for Patents.

I hereby declare that all statements made herein of my own knowledge and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: 9/30, 2005

Robert L. Diaz
Robert L. Diaz, Inventor